

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

THOMAS A. HELPER 5676
Room 6-100, PJKK Federal Bldg.
Assistant U.S. Attorney
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: tom.helper@usdoj.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DEFENDANT'S MEMORANDUM
)	REGARDING PLAINTIFF'S
v.)	SUPPLEMENTAL MEMORANDUM TO
)	INCLUDE ADDITIONAL ATTORNEY'S
MICHAEL CHERTOFF, Secretary,)	FEES AND COSTS; CERTIFICATE OF
DEPARTMENT OF HOMELAND)	SERVICE
SECURITY,)	
)	
Defendant.)	
)	
)	

DEFENDANT'S MEMORANDUM REGARDING
PLAINTIFF'S SUPPLEMENTAL MEMORANDUM
TO INCLUDE ADDITIONAL ATTORNEY'S FEES AND COSTS

Defendant Michael Chertoff, by and through his undersigned attorneys, hereby opposes in part plaintiff's request for additional attorney's fees. Plaintiff seeks reimbursement for his attorney at the hourly rate of \$350. Pursuant to the Special Master's Recommendation of June 27, 2008, however, the appropriate rate is \$280. Using that rate, the appropriate

amount of additional attorney's fees is \$3664.50 (\$3500 plus \$164.50 in excise tax at 4.7%).

Defendant does not otherwise object to plaintiff's request for additional fees and costs.

DATED: July 3, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Thomas A. Helper

By _____
THOMAS A. HELPER
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
V.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne E. Barbee, Esq. July 3, 2008
deseckmet@aloha.net

Attorney for Plaintiff

DATED: July 3, 2008, at Honolulu, Hawaii.

/s/ Jan Yoneda